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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/481,640 01/12/00 WHITTEN

D HEM-98/644 (H

EXAMINER

QM12/0424

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DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

04/24/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/481,640

Applicant(s)
Whitten et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 13, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above, claim(s) 7 and 8 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

20) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election of Group I (claims 1-7) and Species A (claims 1-6) in the response filed February 13, 2001 (paper no. 5) is acknowledged. Thus, the election of both Group I and Species A results in an election of claims 1-6 for examination. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 7 and 8 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Information Disclosure Statement

2. The information disclosure statement filed January 12, 2001 (paper #2) has been received and the references listed thereon have been considered. It is noted that a publication date has not been provided for the article "Goss exhibits futuristic concept press", and applicant is requested to provide such a date if known.

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Drawings

3. The drawings are objected to because of the following informalities:

In Figures 4-6, the same numerals as those used in Figures 1-3 are used to represent modified versions of the features which is confusing and unclear, and it is suggested to add a prime (') next to the numerals representing modified features; specifically, in Figures 4-6, it seems that numerals 4, 7, 11 and 14 should be changed to 4', 7', 11' and 14'.

Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities:

On page 10, line 13, ✓ the description is unclear as to where the grippers 7 are provided, and it is suggested to insert --on gripper shafts 14 and-- after "provided" or the like for clarity.

On pages 14-16, ✓ the same numerals as those used on the previous pages in describing Figures 1-3 are used to represent modified versions of those features in describing Figures 4-6 which is confusing and unclear, and it is suggested to add a prime (') next to the numerals representing modified features; specifically, it seems that numerals 4, 7, 11 and 14 should be changed to 4', 7', 11' and 14'.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, use of the term “cylinder” renders the limitation vague and indefinite and appears to be inaccurate because the disclosed feature is not cylindrical, and thus the scope of the limitation using this term cannot be ascertained; in line 3, the phrase “configured to cooperate” is vague and indefinite as to how the transfer cylinder is “configured”; in line 9, the recitation “being connected to” renders the claim vague and indefinite, particularly since it seems that the adjustable diameter portion is part of the transfer cylinder and it’s not clear how it can be both part of and connected to the transfer cylinder. ↩

In claim 4, lines 2-3, the recitation “each connected to” renders the claim vague and indefinite, particularly since it seems that the gripper and tucking blade are each part of the transfer cylinder and it’s not clear how they can be both part of and connected to the transfer cylinder. ↩

In claim 5, line 5, the recitation “rotating in synchronism” renders the claim vague and indefinite since sufficient structure has not been set forth to perform such a function.

In claim 6, line 2, the recitation “has a constant speed” renders the claim vague and indefinite since sufficient structure has not been set forth to perform such a function.

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Prior Art

6. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
April 23, 2001